

FILED

DISTRICT COURT OF GUAM

JUN 13 2005

MARY L.M. MORAN
CLERK OF COURT

**DISTRICT COURT OF GUAM
TERRITORY OF GUAM**

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VAATAUSILI MARK ALAIMALO,

Defendant-Petitioner,

vs.

UNITED STATES OF AMERICA,

Plaintiff-Respondent.

Criminal Case No. 96-00039

Civil Case No. 03-00044

ORDER

Petitioner Vaatausili Mark Alaimalo filed a Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 ("motion"). Since this was Petitioner's second motion for § 2255 relief, the Court transferred Petitioner's motion to the Ninth Circuit Court of Appeals for Certification to appeal¹. On July 15, 2004, the Ninth Circuit denied the petitioner's request for authorization to file a second petition for relief. As such, this Court lacks jurisdiction to consider the petitioner's § 2255 motion. Accordingly, petitioner's motion is hereby DISMISSED.

SO ORDERED this 13 day of June, 2005.

Notice is hereby given that this document was entered on the docket on 6-13-05. No separate notice of entry on the docket will be issued by this Court.

Mary L.M. Moran
Clerk, District Court of Guam

By Mary L.M. Moran 6-13-05
Deputy Clerk Date


RICARDO S. MARTINEZ*
United States District Judge

¹ See, Order filed April 29, 2004. Docket No. 113.